

B<sup>1</sup>  
concl.

6 transmitting the data in a manner determined by the allocated priorities;  
7 monitoring the data to be transmitted to determine whether the data will be  
8 transmitted so as to be received by said at least one remote receiver within a satisfactory  
9 predetermined time period; and,  
10 changing the priority of the monitored data which has been determined will be  
11 transmitted so as to be received outside the satisfactory time period so that it will be  
12 transmitted to be received within the said satisfactory predetermined time period.

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B<sup>2</sup>

1 8. (Twice Amended) A method of providing services in conjunction with a  
2 TV broadcast system, wherein data relating to a number of different categories of  
3 services is transmitted in conjunction with a TV broadcast signal to a number of remote  
4 receivers, the method comprising:  
5 allocating a priority to the data to be transmitted in accordance with its category,  
6 the priorities defining a relationship between the different categories of the data;  
7 transmitting the data in a manner determined by the allocated priorities;  
8 monitoring the data to be transmitted to determine whether the data will be  
9 transmitted so as to be received by the remote receivers within a satisfactory  
10 predetermined time period; and,  
11 changing the priority of the monitored data which has been determined will be  
12 transmitted so as to be received outside the satisfactory time period so that it will be  
13 transmitted to be received within the said satisfactory predetermined time period.

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B-3

1           10.   (Twice Amended) Apparatus for transmitting data, relating to a number of  
2 different categories, from a central location to at least one remote receiver, the apparatus  
3 comprising:  
4           a processing system for allocating a priority to the data to be transmitted in  
5 accordance with its category, the priorities defining a relationship between the different  
6 categories of the data, the processing system monitoring the data to be transmitted to  
7 determine whether the monitored data will be transmitted within a satisfactory  
8 predetermined time period, and if necessary, changing the priority of any monitored data  
9 which has been determined will be transmitted so as to be received outside the  
10 satisfactory time period so that it will be transmitted to be received within the said  
11 satisfactory predetermined time period; and  
12           means for transmitting the data in a manner determined by the allocated priorities.

#### REMARKS

Claims 1-3 and 5-11 remain in this application. Applicant respectfully requests that this amendment after final be entered in order to place the case in condition for allowance, or in the alternative to simplify the issues for appeal.

Applicant gratefully acknowledges the telephone interview with the Examiner, Jason P. Salce and his Supervisor, Andrew Faile, and thanks them for their comments. Although no agreement was reached as to the allowability of claims, the comments were taken to heart and are now incorporated in amended claims 1, 8 and 10.

Claims 1-2, 4 and 6-11 were rejected under 35 U.S.C. §103(a) as unpatentable over *Lappington* "in view of *Rostoker, et al.* (U.S. Patent No. 6,111,863)." From the context of the rejection, applicant believes that the office action really means *Adams*